IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.1408/2002
SANATAN DHARM HINDI VIDYAPEETH RASHTRA
BHASHA COLLEGE V/S THE STATE OF RAJ.& Ors.

DATE OF ORDER ::: 5th April 2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri A.N. Sharma for the petitioner.
Shri H.V. Nandwana, Dy. Government Advocate.

This writ petition has been filed by the petitioner Sanatan Dharm Hindi Vidyapeeth Rashtra Bhasha College, Jaipur challenging the order dated 6.6.2000 with regard to the fixation of rent let out by the Devsthan premises and with the prayer that the respondents be directed to fix the rate of rent for Charitable Institutions engaged in the public interest activities at par with the commercial and residential premises equivalent to @ 30% of the rent fixed by the

Standing Order of the Public Works Department of 1995. The contention of the petitioner is that it was a society registered under the Societies Registration Act. It was allotted a room in the temple of Shri Rasik Behari Lalji known as Chanout Walon Ka Mandir for the purpose of running a school by the they Chief Secretary of State of Jaipur under order dated 3.7.1945. The District District Jaipur City vide order dated 20.4.1993 however fixed a sum of Rs.43/- as rent of the said premises. When the petitioner challenged it before this court, his writ petition was dismissed by this court vide order dated 23.4.91. Government issued a circular dated 6.6.2002 under which it has decided to revise the rent of the premises belonging to the Devsthan Department for various purposes. While rent for the premises let out for

commercial and residential purposes was increased by 30% of the rates fixed by the Public Works Department in the year 1995, but for the premises let out to State/Central Government or Semi Government Organisation or Institutions engaged in the public interest has been increased by 100% of the rates prescribed by Standing Order of Public Works Department of 1995.

I have heard Shri A.N. Sharma, learned counsel for the petitioner and Shri H.V. Nandwana, Deputy Government Advocate.

Shri A.N. Sharma, learned counsel for the petitioner argued that action of the Government in treating the premises let out to the petitioner and those given on rent for commercial and residential premises as per Clause (C) of the order dated 6.6.2002 is discriminatory inasmuch as a preferential treatment has been given to the

residential and commercial establishment whereas Charitable Institutions have been treated in a different manner. The policy of the Government is therefore bad in law being arbitrary and unreasonable. According to the learned counsel the premises which are used for commercial purposes cannot be given a preferential treatment and have to be treated at least at par with those which are used for running a college like that of the petitioner. He therefore prayed that the aforesaid clause (C) of the order dated 6.6.2000 be declared illegal and quashed and set aside.

On the other hand, Shri H.V. Nandwana, learned Deputy Government Advocate argued that the rent of the premises belonging to Devsthan Department had not been increased for quite a long time. The Government appointed a committee and it was on the

recommendation of the committee that the rates of the rent were ultimately revised. The petitioner has been paying rent Rs.43/- per month. The premises let out those running an institution or office would have to pay a higher amount because there rate has been fixed equivalent to what is provided for by the BSR of Public Works Department 1995. It is a matter of policy in the Government to decide as to which category of tenant is to be charged at what rate. He therefore prayed that the writ petition be dismissed.

I find that the rates of the rent for premises of the Devsthan Department were revised by the Government after a long time. Premises let out to the petitioner are situated in the heart of the city at Chhoti Chaupar which is very prestigious location. They were let out to the petitioner way

back in the year 1945 and the rent which was last fixed from 20.7.1990 @ Rs.43/- If the Government now decides to increase the rate of rent and bring it at par with the BSR rates of 1995, no fault can be found with their action. The petitioner is running an Institution of college education in such premises. Therefore, it cannot be accepted that he was engaged in the Charitable activities. Running an institution like this is essentially a commercial venture. If the respondents have decided to treat such like institution and the office of the State and Central Governments which are being run in the Devsthan premises in a different manner, their action cannot be considered unreasonable or arbitrary and on that basis there policy decision cannot be declared unconstitutional.

In view of foregoing discussion, I do

not find any merit in the writ petition. The writ petition is dismissed with no order as to costs.

(Mohammad Rafiq), J.

Chauhan/